

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JULIE KNOX and HARVEY KNOX,
(her husband),

Plaintiffs,

v.

FARSHID BOZORGI, M.D.; FOUNDATION
RADIOLOGY GROUP, P.C., t/d/b/a
FOUNDATION RADIOLOGY GROUP and
FOUNDATION RADIOLOGY GROUP, INC.,
t/d/b/a FOUNDATION RADIOLOGY GROUP,
NANNETTE L. McCOLLOUGH, M.D. and
UPMC EMERGENCY MEDICINE, INC., t/d/b/a
EMERGENCY RESOURCE MANAGEMENT,
INC.,

Defendants,

v.

UNIONTOWN HOSPITAL, NIPUN
AGGARWAL, M.D.; VINUTHA NETAJI, M.D.;
CHENG VANG LEE, M.D.; and CENTERVILLE
CLINICS, INC.,

Additional Defendants.

NOTICE OF REMOVAL

Civil Action No.:

Judge:

NOTICE OF REMOVAL

1. Removal of this action is made pursuant to 28 U.S.C. §§ 1442 and 1446 in that Dr. Nipun Aggarwal, M.D.; Dr. Vinutha Netaji, M.D.; and Dr. Cheng Vang Lee, M.D., are agents of the United States of America and have been named as defendant parties in this negligence action. The Centerville Clinics, Inc. is a federal entity whose liability is covered by the Federal Tort Claims Act. Att. A (Deeming Action – Centerville Clinics).

2. On or about June 9, 2014, Plaintiffs filed a Complaint at G.D. No. 14-10042 in the Court of Common Pleas of Allegheny County, Pennsylvania, against several non-federal defendants. Att. B (Initial Complaint). This Complaint was later amended on or about

August 29, 2014. Att. C (Amended Complaint). On or about November 14, 2014, the non-federal defendants filed a “Complaint Against Additional Defendants,” seeking to join the following Federal Defendants: Dr. Nipun Aggarwal, M.D.; Dr. Vinutha Netaji, M.D.; Dr. Cheng Vang Lee, M.D.; and Centerville Clinics. Att. D (Complaint Against Additional Defendants). This action is currently pending in the Court of Common Pleas of Allegheny County.

3. No trial has been commenced in said civil action.

4. The “Complaint Against Additional Defendants” involves allegations of alleged negligence on the part of Dr. Nipun Aggarwal, M.D.; Dr. Vinutha Netaji, M.D.; Dr. Cheng Vang Lee, M.D.; and Centerville Clinics in the care and treatment of Mrs. Knox.

5. At the time of the alleged occurrence, Federal Defendants Dr. Nipun Aggarwal, M.D.; Dr. Vinutha Netaji, M.D.; and Dr. Cheng Vang Lee, M.D., were acting within the scope of their office or employment or were otherwise acting under color of such office or employment as an employee of the Department of Health and Human Services (HHS), an agency of the United States. *See* Att. E (Certifications of Scope of Employment).

7. The above-described civil action may be removed to this Court without bond pursuant to 28 U.S.C. §§ 1442, 2408, and 2679(d)(2).

Respectfully submitted,

DAVID J. HICKTON
United States Attorney

s/Paul D. Kovac
PAUL D. KOVAC
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U.S. Post Office and Courthouse
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(412) 894-7489

Date: January 16, 2015

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Notice of Removal was served by mail upon the following:

Kate Barkman, Director
Allegheny County Department of Court Records
Civil/Family Division
City-County Building
414 Grant Street First Floor
Pittsburgh, PA 15219-2469

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Counsel for Uniontown Hospital

s/Paul D. Kovac
PAUL D. KOVAC
Assistant U.S. Attorney

Date: January 16, 2015